

## CITY COMMISSION MINUTES

May 19, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, May 19, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: Assistant City Manager, Mike Guinn, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person.)*

**Robert Blanken, Junction City, Kansas** with the Citizens for Responsible Ordinances stated that a question was posed to him as to had he spoken with other businesses in Junction City concerning a smoking ordinance. Mr. Blanken stated that he spoke to businesses along Washington Street from 6<sup>th</sup> Street to 12<sup>th</sup> Street including one block to the west and one block to the east. He stated the retailers had an overwhelming support for their proposed ordinance. Very few retailers were in favor of a 100% smoking ban. Mr. Blanken stated that he received an additional 68 signatures that day. Only four people declined to sign the petition. They stated their reason for declining was this is their personal opinion. Mr. Blanken stated that most of the businesses were aware of their proposed ordinance and that they want the right to choose how to run their business with regards to smoking. When asked, the Commission stated they felt the proposed ordinance was clear.

**Mark Sanders, 2726 Glenn Dean Road Junction City, Kansas** presented the Commission with a report that he created after reviewing the City's financial reports. Mr. Sanders reviewed his findings with the Commission. Katie Logan, City Attorney, stated that this is one person's opinion and the Commission can not assume that all of the findings are accurate. Ms. Logan recommended that the City staff meet with the City's auditor and review Mr. Sander's report. Ms. Logan requested a list of cities and CPA's that Mr. Sanders conferred with on his report. Mr. Sanders stated that he could not provide the names of these people because they did not want their names released.

### CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **May 5, 2009**, City Commission meeting minutes.
- b. Approval of the **May 5, 2009 noon** Special City Commission meeting minutes.
- c. Approval of the **May 5, 2009 5 p.m.** Special City Commission meeting minutes.
- d. The consideration of **Appropriation Ordinance** dated April 30 – May 13, 2009 in the amount of \$614,757.57.

e. Monthly Reports:

1. Codes
  2. Fire Department
  3. EMS
  4. Police Department
  5. Rolling Meadows
  6. Personnel
- f. The consideration and approval of a request to close a portion of the **600 block of N. Jefferson on Saturday, June 6, 2009.**
- g. The consideration and approval of notification of a request by the **Rural Water District No. 1 to add water meter** at an address between 2420 and 2520 Old Highway 40.
- h. The consideration and approval of an application for **Noise Waiver for 5th Street Park from 5:00 pm to 11:00pm on May 24, 2009. (REMOVED FROM THE CONSENT AGENDA PER THE REQUESTOR.)**
- i. The consideration and approval for **Pay Estimate #4** in the amount of \$14,168.45 by HWS for Professional Services through April 25, 2009 on the Spring Valley Road – Fox Sparrow Ct. to Sutter Woods Rd project.
- j. The consideration and approval of **Pay Request #21**, in the amount of \$14,346.06, by BG Consultants for Construction Management services through April 30, 2009, for the Rucker Road –US-77 to Whitney project.
- k. The consideration and approval of a joint resolution of Geary County, Kansas, and **Ordinance G-1052** of the City of Junction City, Kansas, relating to the creation of a Metropolitan Planning Commission for Geary County and Junction City, Kansas; Appointing persons to serve on said Metropolitan Planning Commission; setting length of terms for said appointees; calling the first meeting for said planning commission; and establishing said planning commission as the Board of Zoning Appeals **(Final Reading)**.

**SPECIAL PRESENTATIONS**

- a. To proclaim the week of May 17 to 23 **National EMS Week** in our local community. Mayor Heldstab read the proclamation for National EMS Week and presented it to Battalion Chief Rick Rook of the Junction City Fire Department.
- b. Veolia would like to have the **National Public Works Week Proclamation** to be read at the City Commission Meeting on May 19<sup>th</sup>. Mayor Heldstab read the proclamation for National Public Works Week and presented it to Ray Ibarra with Veolia Water.
- c. Proclamation of **May 2009 as Mental Health Month** in our local community. Mayor Heldstab read the Mental Health Month proclamation.
- d. To present a certificate of award to the **Yard of the Month winner**. Officer Jay Wigton with the Junction City Police Department informed the Commission that this year, one section of town will be voted on each month for five months. This month is the Northeast Section and the winner is the Murphy Family at 424 W. 9<sup>th</sup> Street. Officer Wigton will deliver their certificate to them on Wednesday.

- e. Presentation of the **2009 City of Junction City Citizen's Institute** participants. Mayor Heldstab introduced the participants. Ms. Keri Parker stated that this was a very learning experience and that City government is not as bad as people make it out to be. The City Department Heads are very passionate about what they do. Ms. Parker thanked the City for this opportunity.

## UNFINISHED BUSINESS

- a. The consideration and approval of **Ordinance S-3061** an ordinance to rezone property known as Sutter Highlands (approximately 8.70 Acres) from Duplex Residential to Multiple-Family Residential for the purpose to develop vacant property into needed multifamily residences (**Final Reading**). **TABLED**.
- b. The consideration and approval of **Ordinance S-3062** an ordinance to rezone property known as Turkey Ridge Addition from the current Residential Multifamily (RM) to Commercial General (CG) to allow for the construction of storage units (**Final Reading**). Commissioner Taylor inquired as to when this project would start. Leon Osbourn with Kaw Valley Engineering stated that a meeting had been scheduled for Tuesday to begin planning. Commissioner Talley inquired as to what is included in Commercial General. Assistant City Manager, Mike Guinn, stated that he would get this information to the Commission. Commissioner Johnson moved, seconded by Commissioner Rhodes to approve Ordinance S-3062 rezoning property known as Turkey Ridge Addition from current Residential Multifamily (RM) to Commercial General (CG) to allow for the construction of storage units (**Final Reading**). Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried four to one.

## NEW BUSINESS

- a. The consideration and approval of **Neighborhood Revitalization Application for Karen Jameson of State Farm Insurance**. (The EDC voted 8-0 to approve.) Retail Specialist, Stacy Schulte, informed the Commission that the EDC had voted with the project being subject to Ms. Jameson closing on the land. Construction is to begin in the Fall 2009. Ms. Jameson has one year from the Commission's approval to begin construction. Ms. Jameson stated that she intends to increase the number of employees she employs. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the Neighborhood Revitalization Application for Karen Jameson of State Farm Insurance. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: None. Abstention: Johnson. Motion carried four to zero with one abstention.
- b. The consideration and approval of **Neighborhood Revitalization Application for Rosemary Flores of Aaron's Furniture**. (The EDC voted 7-0-1 to approve.) Shawn Nimmo, Operations Manager with Aaron's Furniture, informed the Commission that the building would be 9,600 square feet with an approximate cost of \$950,000.00 and construction is to begin in June 2009. The number of employees is to increase from eight to twelve. The size of the facility will be double the current facility. Mr. Nimmo stated that they need a larger display area. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Neighborhood Revitalization Application for Rosemary Flores of Aaron's Furniture. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- c. The consideration and approval to install equipment for **card reader for a self-service fueling system at Freeman Field Airport**. Brad Waller with HWS Consulting informed the Commission that this project was part of an application the City made to KDOT last fall. Three projects were submitted. The card reader was a number one priority for the Airport Advisory Committee. Currently, any pilot can land at Freeman Field; however, an attendant must be

one call in order for the plane to be fueled. This project will allow any pilot to land at any time at Freeman Field to fuel their aircraft. The City's cost will be 50% of the total cost. KDOT will pay a flat fee of \$10,000 for the project. The FAA will not provide any funding for this project. Mr. Waller stated that other municipal airports that have installed a card reader for self service fueling has experienced an increase in their fuel sales. Mr. Waller stated that the City receives \$.05 per gallon of fuel sold. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the installation of the equipment for the card reader for a self-service fueling system at Freeman Field Airport. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- d. The consideration and approval of the **Contract for Indigent Defense Services** between the City of Junction City and Konza Law, LLC. City Clerk, Tricia Gowen, informed the Commission that the City, with Katie Logan's assistance, has been working with Dan McCulley with Konza Law, LLC on this contract. After several proposals and counter proposals, the staff felt this contract was in the best interest of the City. The contract will end December 31, 2009. Requests for proposals will be sent out in the next few weeks for the 2010 year. Commissioner Johnson stated that he feels that if a person is able to defend him/herself, they should not be appointed an attorney. Ms. Gowen stated that by law, should a client of the Court be declared indigent by the Judge, the City must provide legal representation. Ms. Gowen stated that the client must provide documentation of income to the Judge before the Judge will declare them indigent. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve the Contract for Indigent Defense Services between the City of Junction City and Konza Law, LLC. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Johnson. Motion carried four to one.

## COMMISSIONER COMMENTS

**Commissioner Taylor** congratulated Platinum Broadcasting and Coach's for sponsoring a trip to the Royals game. It was a well organized event.

**Commissioner Johnson** stated that he had received comments from citizens regarding the trail at the Bluffs. Commissioner Johnson stated that he couldn't find anyone who wanted this trail. He wants it repealed. Commissioner Taylor stated that he agreed and that he had comments asking why the \$25,000 for the trail couldn't be used for other things like repairing streets. Commissioners Johnson and Taylor both stated that they do not see a need for the trail. Assistant City Manager, Mike Guinn, stated that this was a grant that the Commission had granted the staff to apply. The City has not been awarded anything at this time. Due to it being a grant, if awarded, the grant has very strict provisions as to what they grant money can be spent on. If the City is awarded the grant, the Grant Administrator will come before the Commission again seeking approval to accept the grant.

**Commissioner Rhodes** asked Jim Germann, Information Systems Director, about getting the Commission meetings on the Internet. Mr. Germann stated that on Sunday he is working on the system to switch it to a digital system. Mr. Germann stated that the City is moving to a fiber wire for greater capacity and he hopes that within the next month to have the capability to put the meetings on the Internet. Commissioner Taylor inquired about the sound problems that have occurred recently. Mr. Germann stated that the issue is going to be addressed by placing a choir mike in the ceiling in the middle of the room and possibly an additional one over the audience. Mr. Germann stated that he hopes to have the mikes in place by July 4<sup>th</sup>. Commissioner Rhodes stated that on Sunday, the Ride for the Wall was in Junction City. This is a group of Vietnam Veterans that are trying to bring things to a closure and honor the service of these men and women. The participants stated they were

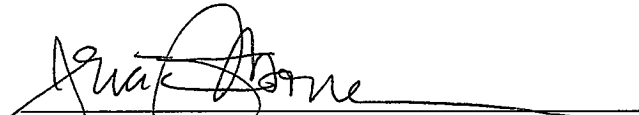
impressed by Heritage Park, the wall and the patriotism of our community. The group will end in Washington DC at Arlington Cemetery for Memorial Day.

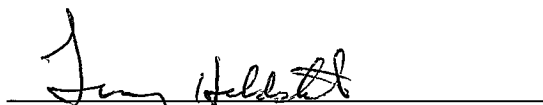
**Mayor Heldstab** recognized Colonel Bob Kennedy with USD 475 for all of his contributions. Colonel Kennedy is leaving. Mayor Heldstab commended Platinum Broadcasting and KJCK for their 60 years of business. Mayor Heldstab stated that Commissioner Rhodes did a fine job with his speech during the Ride for the Wall event. Mayor Heldstab invited everyone to attend the Junction City General's first game of the summer on May 29<sup>th</sup>. There will be a Sports Extravaganza the weekend of May 29<sup>th</sup>.

## ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Rhodes to adjourn at 7:59 p.m. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 2<sup>nd</sup> DAY OF JUNE 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR MAY 19, 2009.

  
Tricia Gowen, City Clerk

  
Terry Heldstab, Mayor